

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LEE W. UECKER,

Petitioner,

v.

Civ. 13-394 WJ/GBW

TIMOTHY HATCH and ATTORNEY GENERAL
OF THE STATE OF NEW MEXICO,


Respondents.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION AND DISMISSING CASE**

This matter comes before the Court on Petitioner's Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, *doc. 1*. The Magistrate Judge filed his Proposed Findings and Recommended Disposition (PFRD) on July 1, 2013. *Doc. 19*. He found that this Court lacks jurisdiction over Petitioner's petition because it is his second § 2254 petition and the Tenth Circuit has not granted authorization for this Court to consider it. *See In re Cline*, 531 F.3d 1249, 1251 (10th Cir. 2008). Although this Court has the option to transfer a successive petition to the Tenth Circuit for authorization, the Magistrate Judge determined that a transfer was not warranted because Petitioner's claims are untimely and meritless. *Doc. 19* at 5-8.

Petitioner has filed no objections to the PFRD, and, upon review of the record, I concur with the Magistrate Judge's findings and recommendations.

Wherefore, IT IS HEREBY ORDERED that the Magistrate Judge's Proposed Findings and Recommended Disposition, *doc. 19*, is ADOPTED. Because the Court lacks jurisdiction over this action, Petitioner's discovery motion (*doc. 13*), motion for appointment of counsel (*doc. 15*), and motion for an order to show cause (*doc. 17*) are DENIED. Petitioner's petition (*doc. 1*) claims is DISMISSED with prejudice.



UNITED STATES DISTRICT JUDGE